IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 279 OF 2005.

Jose Filipe Milagres Silva. .... Petitioner.

Versus

Cristina Lucy Gonsalves Silva. ..... Respondent.

Shri M.B. D'Costa, Senior Advocate with Shri J.A. Lobo, Advocate for the Petitioner.

Shri N. Sapeco, Advocate for the Respondent.

CORAM: R.M.S. KHANDEPARKAR, J.

DATE: 27th JANUARY, 2006.

P.C.:

Heard.

The contention of the learned Advocate for the petitioner is that though the respondent had consented for undergoing DNA test, the trial Court erred in rejecting the said request while passing the impugned order.

The learned Advocate for the respondent has submitted that though at the relevant time there was consent given for such test by the respondent, at the moment the respondent is no more interested in undergoing such test unless the petitioner agrees for payment of specified compensation in case the DNA test comes in favour of the respondent.

The suggestion on the part of the respondent is not acceptable to the petitioner. Once the respondent has withdrawn the consent for DNA test, the question for allowing the application of the petitioner at this stage does not arise. Being so, there is no case for interference in the impugned order. Leaving all the issues open, the petition is therefore rejected.

R.M.S. KHANDEPARKAR, J.

sl.